

REMARKS

For the above cited patent application, Examiner mailed a Notice of Allowance on December 17, 2004. In response to the Notice of Allowance, Applicants request the Examiner to consider the following two matters at his earliest possible convenience.

(1) Examiner's Amendment, attached to the Notice of Allowability, requires that a new oath or declaration be submitted identifying the foreign application for patent on which priority is claimed pursuant to 37 CFR §1.67(a) and 37 CFR §1.55. The above cited patent application claims priority to foreign application number 00124825.1, filed in Europe on November 14, 2004. A proper foreign priority claim was made in an application data sheet mailed concurrently with the above utility application's transmittal on November 9, 2001. Under 37 CFR §1.76(b)(6), providing foreign priority information in an application data sheet constitutes a proper claim for priority as required by 35 USC §119(b) and 37 CFR §1.55(a). Specifically, under 37 CFR §1.63(c), an oath or declaration need not provide foreign priority information if such information is supplied on an application data sheet. See MPEP §201.13(II)(A); 37 CFR §1.67(a)(3). Accordingly, Applicants respectfully request Examiner to reconsider and withdraw the Examiner's Amendment requiring a new oath or declaration because appropriate priority information was provided in an application data sheet.

(2) Further, Applicants submitted a supplemental information disclosure statement in the above application on December 6, 2004, prior to the Notice of Allowance mailed on December 17, 2004. Applicants request Examiner to review the references cited and provide Applicants with an initialed copy of the supplemental information disclosure statement.

The above remarks are believed not to introduce new matter, and their entry is respectfully requested. Based on the above Remarks, Applicants respectfully request that the

Examiner reconsider all outstanding objections and rejections, and withdraw the Examiner's Amendment attached to the Notice of Allowability.

The issue fee for the above application is due on March 17, 2005. Therefore, Applicants request Examiner to provide written confirmation withdrawing the Examiner's Amendment, as well as an initialed supplemental information disclosure statement at his earliest possible convenience, by fax as well as mail to the undersigned representative. The Examiner is invited to telephone the undersigned representative if it is felt that an interview might be useful for any reason.

Respectfully submitted
Yaochu Jin et al.

Date: February 18, 2005

By: 

John T. McNelis
Attorney for Applicants
Reg. No. 37,186
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94306
Phone: (650) 335-7133
Fax: (650) 938-5200
jmcnelis@fenwick.com